

ESTTA Tracking number: **ESTTA406846**

Filing date: **05/03/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Echo Design Group, Inc.
Granted to Date of previous extension	05/04/2011
Address	10 East 40th Street New York, NY 10016 UNITED STATES
Attorney information	Vincent A. Sireci The Echo Design Group, Inc. 10 East 40th Street New York, NY 10016 UNITED STATES vsireci@echodesign.com Phone:212-696-8794

Applicant Information

Application No	85070370	Publication date	01/04/2011
Opposition Filing Date	05/03/2011	Opposition Period Ends	05/04/2011
Applicant	CHOWDHURY, MAHMUDUN NABI KHAN HOUSE 45, FLAT C1, ROAD 12/A, DHANMONDI DHAKA, BANGLADESH		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: Vanity cases sold empty; Unfitted vanity cases; Wallets; Purses; Suitcases; Luggage; Traveling trunks; Traveling bags; Reusable shopping bags; Textile shopping bags; Handbags; Pocket bags, namely, change purses and charm bags; and Haversacks
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	524118	Application Date	04/05/1948
Registration Date	04/18/1950	Foreign Priority	NONE

		Date	
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 025). First use: First Use: 1928/03/05 First Use In Commerce: 1928/03/05 WOMEN'S SHAWLS AND SCARFS		


U.S. Registration No.	634072	Application Date	07/19/1954
Registration Date	09/04/1956	Foreign Priority Date	NONE
Word Mark	ECHO ORIGINATIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 025). First use: First Use: 1928/00/00 First Use In Commerce: 1928/00/00 SCARFS, SQUARES, TIES, SHAWLS, STOLES, SHRUGS, CAPES, MANTLES, MANTILLAS, NECKERCHIEF		

U.S. Registration No.	1184921	Application Date	11/03/1980
Registration Date	01/05/1982	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1976/00/00 First Use In Commerce: 1976/00/00		


	SCARFS		
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U.S. Registration No.	1285328	Application Date	02/10/1983
Registration Date	07/10/1984	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1982/05/00 First Use In Commerce: 1982/05/00 SCARFS, MUFFLERS, WRAPS, ASCOTS, CAPES, PONCHOS, SERAPES, RUANAS, JACKETS, VESTS, WESKITS, BOLEROS, [BELTS] WAIST WRAPS-NAMELY, SASHES AND OBIS, TIES FOR WOMEN		

U.S. Registration No.	1382222	Application Date	05/22/1985
Registration Date	02/11/1986	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 COSTUME AND SEMI-PRECIOUS JEWELRY, NAMELY, SCARF RINGS, [BRACELETS,] PINS, RINGS, NECKLACES, EARRINGS, BROOCHES AND BELT BUCKLES MADE IN WHOLE OR IN PART OF PRECIOUS OR SEMI-PRECIOUS METALS		

U.S. Registration No.	1422953	Application Date	03/19/1986
Registration Date	12/30/1986	Foreign Priority Date	NONE
Word Mark	SIGNATURE ECHO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1986/02/28 First Use In Commerce: 1986/02/28 SCARFS AND BELTS		
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U.S. Registration No.	1797082	Application Date	02/05/1992
Registration Date	10/05/1993	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/10/29 First Use In Commerce: 1992/10/29 men's neckwear; namely, men's ties, cravats, western thongs		


U.S. Registration No.	1835887	Application Date	04/18/1991
Registration Date	05/10/1994	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1992/08/27 First Use In Commerce: 1992/08/27 draperies, curtains, bed linens; namely, sheets, pillowcases, bedspreads and textile piece goods; namely, cotton, wool, silk, linen and synthetics for use in the manufacture of bed linens, home furnishings, table linens and clothing Class 027. First use: First Use: 1992/12/10 First Use In Commerce: 1992/12/10 wallpaper		

U.S. Registration No.	2016227	Application Date	11/03/1994
Registration Date	11/12/1996	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1995/08/09 First Use In Commerce: 1995/08/09 leather goods, namely handbags, purses, wallets, key and credit card cases Class 025. First use: First Use: 1995/08/09 First Use In Commerce: 1995/08/09		



	leather belts		
U.S. Registration No.	2051802	Application Date	11/03/1994
Registration Date	04/15/1997	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1994/02/28 First Use In Commerce: 1994/02/28 hand bags, namely tote bags, [overnight bags,] * and * shoulder bags [and sling bags]		
U.S. Registration No.	2080360	Application Date	08/25/1995
Registration Date	07/15/1997	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1996/01/02 First Use In Commerce: 1996/01/05 paper products, namely [appointment books], photo albums, diaries, address books, wedding journals and albums, guest books, memory books, brag books, stationery products, namely stationery, envelopes, and printed invitations and announcements, notebooks, memo pads, score pads, bridge tallies and playing cards, gift wrapping paper, gift tags and notes, shopping bags, kitchen related paper products, namely paper towels and napkins, [baby record products, namely baby record books, printed growth charts, memo boards, infant annual growth calendars (undated),] and kitchen related products, namely [coupon holders], recipe card books, [and recipe books]</p> <p>Class 020. First use: First Use: 1996/01/02 First Use In Commerce: 1996/01/05 paper dishes, namely, paper plates and paper cups</p>		
U.S. Registration No.	2255183	Application Date	01/23/1998
Registration Date	06/22/1999	Foreign Priority Date	NONE
Word Mark	ECHO SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/01/11 First Use In Commerce: 1998/01/11 Clothing, namely, scarves, hats, gloves, mufflers, wraps and shawls		
U.S. Registration No.	2646159	Application Date	03/05/1999
Registration Date	11/05/2002	Foreign Priority Date	NONE
Word Mark	ECHO		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 027. First use: First Use: 2001/10/00 First Use In Commerce: 2002/04/00 CARPETING AND RUGS

U.S. Registration No.	3323796	Application Date	11/19/2002
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/04/00 First Use In Commerce: 2004/02/00 Perfumery, namely, perfume, eau de toilette, scented skin care lotions and creams; shower gel; after shave balms; personal deodorants and anti-perspirants		

U.S. Registration No.	3418947	Application Date	12/22/2001
Registration Date	04/29/2008	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/03/01 First Use In Commerce: 2000/03/01 RAINWEAR, EXCLUDING RAIN BOOTS AND RAIN SHOES		


U.S. Registration No.	3344954	Application Date	04/08/2003
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Luggage; carry-on bags; cosmetic bags sold empty; duffel bags; garment bags for travel; shaving bags sold empty; shoe bags for travel; suit bags; travel bags;		


	all purpose sport bags; beach bags		
U.S. Registration No.	3418771	Application Date	12/22/2001
Registration Date	04/29/2008	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1997/12/15 First Use In Commerce: 1997/12/15 UMBRELLAS		
U.S. Registration No.	3506354	Application Date	04/08/2003
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2008/07/03 First Use In Commerce: 2008/07/03 Furniture		
U.S. Registration No.	3532354	Application Date	04/08/2003
Registration Date	11/11/2008	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/12/01 First Use In Commerce: 2006/12/01 Clothing, namely, lingerie, blouses, dresses, swimwear, hats, gloves blazers, and shorts		
U.S. Registration	3832753	Application Date	04/22/2009

No.			
Registration Date	08/10/2010	Foreign Priority Date	NONE
Word Mark	ECHO TOUCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/05/04 First Use In Commerce: 2009/05/04 Gloves		

U.S. Application No.	77789334	Application Date	07/24/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: Dinnerware, namely, plates, cups and saucers, dishes and plates; drinking cups and glasses; glass beverageware; bowls, carafes, dishes, mugs, and storage jars; goblets; gravy boats; mugs; servers not of precious metal; serving bowls and dishes not of precious metal; serving platters and trays not of precious metals; slotted spoons; soup tureens; stemware, in International Class 21		

U.S. Application No.	77921470	Application Date	01/27/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHODESIGN		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: Dinnerware and serveware, namely, plates, mugs, bowls, serving bowls, and platters

U.S. Application No.	77921495	Application Date	01/27/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHODESIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: Flatware and cutlery, namely, forks, knives, and spoons		


U.S. Registration No.	3946022	Application Date	04/08/2003
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/04/00 First Use In Commerce: 2004/02/00 Perfumes, colognes, toilet water, and fragrances for personal use; cosmetics; personal deodorant, body sprays and body lotion		


U.S. Application	78235430	Application Date	04/08/2003
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services featuring personal care products, fragrances, furniture, household furnishings and linens, housewares, jewelry, luggage and leather accessories, clothing, paper products, draperies and window treatments, glassware, dinnerware, and home and garden decorative items		

U.S. Application No.	85085257	Application Date	07/15/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1992/08/27 First Use In Commerce: 1992/08/27 Decorative pillows Class 021. First use: First Use: 1993/10/01 First Use In Commerce: 1993/10/01 Soap dishes		

U.S. Application No.	78879719	Application Date	05/09/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHO		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: eyeglasses and sunglasses; ophthalmic lenses; eyeglass and sunglass frames; eyeglass and sunglass cases; eyewear accessories, namely, eyeglass cords, eyeglass chains, eyeglass cases, and eyeglass holders; and compact disc cases, protective carrying cases for portable music players, namely, MP3 players, and cell phone cases; and mouse pads</p> <p>Class 021. First use: eyeglass cleaning cloths</p>

U.S. Application No.	85087631	Application Date	07/19/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ECHO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2003/04/30 First Use In Commerce: 2003/04/30 Shower curtain hooks Class 024. First use: First Use: 1992/08/27 First Use In Commerce: 1992/08/27 Bed linens, namely, comforters, pillow covers and duvet covers; blanket throws; bath linens, namely, towels, shower curtains; table cloths not of paper, table linen, namely, napkins, place mats, table mats not of paper, fabric table runners; kitchen towels, oven mitts, pot holders; upholstery fabrics; fabric window valances and window scarves Class 027. First use: First Use: 1992/08/27 First Use In Commerce: 1992/08/27 Bath mats		

U.S. Application/	NONE	Application Date	NONE
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Registration No.			
Registration Date	NONE		
Word Mark	ECHODESIGN		
Goods/Services	<p>SCARFS, MUFLERS, WRAPS, ASCOTS, CAPES, PONCHOS, SERAPES, RUANAS, JACKETS, VESTS, WESKITS, BOLEROS, BELTS, WAIST WRAPS- NAMELY, SASHES AND OBIS, TIES FOR WOMEN;COSTUME AND SEMI-PRECIOUS JEWELRY, NAMELY, SCARF RINGS, BRACELETS, PINS, RINGS, NECKLACES, EARRINGS, BROOCHES AND BELT BUCKLES MADE IN WHOLE OR IN PART OF PRECIOUS OR SEMI-PRECIOUS METALS; DRAPERIES, CURTAINS, TEXTILE, PIECE GOODS; NAMELY, COTTON, WOOL, SILK, LINEN AND SYNTHETICS FOR USE IN THE MANUFACTURE OF BED LINENS, HOME FURNISHINGS, TABLE LINENS AND CLOTHING; WALLPAPER; LEATHER GOODS, NAMELY HANDBAGS, PURSES, WALLETS, KEY AND CREDIT CARD CASES; LEATHER BELTS; HAND BAGS, NAMELY TOTE BAGS, AND SHOULDER BAGS; PAPER PRODUCTS, NAMELY, PHOTO ALBUMS, DIARIES, ADDRESS BOOKS, WEDDING JOURNALS AND ALBUMS, GUEST BOOKS, MEMORY BOOKS, BRAG BOOKS, STATIONERY PRODUCTS, NAMELY STATIONERY, ENVELOPES, AND PRINTED INVITATIONS AND ANNOUNCEMENTS, NOTEBOOKS, MEMO PADS, SCORE PADS, BRIDGE TALLIES AND PLAYING CARDS, GIFT WRAPPING PAPER, GIFT TAGS AND NOTES, SHOPPING BAGS, KITCHEN-RELATED PAPER PRODUCTS, NAMELY PAPER TOWELS AND NAPKINS, AND KITCHEN-RELATED PRODUCTS, NAMELY, RECIPE CARD BOOKS; PAPER DISHES, NAMELY, PAPER PLATES AND PAPER CUPS; RUGS; RAINWEAR, EXCLUDING RAIN BOOTS AND RAIN SHOES; ALL PURPOSE SPORT BAGS; BEACH BAGS; UMBRELLAS; FURNITURE; CLOTHING, NAMELY, LINGERIE, BLOUSES, DRESSES, SWIMWEAR, HATS, GLOVES BLAZERS, AND SHORTS; CONTAINERS FOR HOUSEHOLD OR KITCHEN USE NOT OF PRECIOUS METAL; CUPS; NON-METAL DECORATIVE BOXES; DECORATIVE PLATES; GARBAGE CANS; PAPER PLATES; TOOTHBRUSH HOLDERS; WASTEPAPER BASKETS; RETAIL STORE SERVICES FEATURING HOUSEHOLD FURNISHINGS AND LINENS, HOUSEWARES, JEWELRY, LEATHER ACCESSORIES, CLOTHING, PAPER PRODUCTS, DRAPERIES AND WINDOW TREATMENTS, AND HOME AND GARDEN DECORATIVE ITEMS; DECORATIVE PILLOWS; BED LINENS, NAMELY, COMFORTERS, PILLOW COVERS AND DUVET COVERS; BLANKET THROWS; BATH LINENS, NAMELY TOWELS, SHOWER CURTAINS AND BATH MATS; TABLE CLOTHS NOT OF PAPER, TABLE LINEN, NAMELY, NAPKINS, PLACE MATS, TABLE MATS NOT OF PAPER, FABRIC TABLE RUNNERS; KITCHEN TOWELS, OVEN MITTS, POT HOLDERS, APRONS; UPHOLSTERY FABRICS; FABRIC WINDOW VALANCES AND WINDOW SCARVES; SOAP DISHES, TOWEL HOLDERS, BRUSH HOLDERS; SHOWER CURTAIN HOOKS</p>		

Attachments	<p>71553860#TMSN.gif (1 page)(bytes) 71670197#TMSN.gif (1 page)(bytes) 73413346#TMSN.jpeg (1 page)(bytes) 73588825#TMSN.gif (1 page)(bytes) 74243338#TMSN.gif (1 page)(bytes) 76978489#TMSN.gif (1 page)(bytes) 76352528#TMSN.gif (1 page)(bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Vincent A. Sireci/
Name	Vincent A. Sireci
Date	05/03/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 85/070,370
Published in the Official Gazette of January 4, 2011

Mark: ECHOLOO

Application Filing Date: June 24, 2010

THE ECHO DESIGN GROUP, INC.,
Opposer,

v.

MAHMUDUN NABI KHAN CHOWDHURY,
Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposer, The Echo Design Group, Inc. ("Opposer"), believes that it will be damaged by the issuance of a registration for the mark ECHOLOO, as applied for in Application Serial No. 85/070,370 ("Application"), currently in the name of Mahmudun N Chowdhury ("Applicant"), and hereby opposes the same for all classes of goods and services identified in the Application.

As grounds for this Opposition, Opposer alleges as follows:

1. Opposer, The Echo Design Group, Inc., is a corporation organized and existing under the laws of the State of New York, which has its principal place of business at 10 East 40th Street, New York, New York 10016.

2. Applicant, Mahmudun Nabi Khan Chowdhury, upon information and belief, is a citizen of Bangladesh, residing at House 45, Flat C1, Road 12/A, Dhanmondi, Dhaka, Bangladesh. On July 7, 2010, a trademark assignment was filed with the United States Patent and Trademark Office, purporting to assign the entire interest and goodwill of the Application

from Mahmudun N Chowdhury to Mahmudun Nabi Khan Chowdhury. Accompanying the cover page of the assignment is a document stating that the filing is "FOR RECORDATION OF NAME CHANGE IN THE USPTO ASSIGNMENTS DIVISION".

3. Commencing long prior to June 24, 2010 (the filing date of the Application) Opposer has engaged in and continues to engage in the design, development, distribution, sale, advertising and promotion, in interstate commerce, of men's and women's apparel, fashion accessories, wall coverings and home fabrics, bed and bath ensembles, small leather goods, handbags, paper goods and other goods under its family of ECHO trademarks. For decades, Opposer has been known as a leading design house in the United States.

4. Annual sales of merchandise bearing the ECHO trademarks in the United States number in the millions of dollars. Opposer's products have been featured extensively in advertising and media in the United States.

5. Opposer is recognized in the fashion and home decor industry for high quality designs which have generated numerous awards and articles in magazines and newspapers.

6. Opposer is the owner of the following United States trademark registrations incorporating the term ECHO:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>CLASS</u>	<u>GOODS</u>
ECHO (STYLIZED)	524,118	04/18/50	25	WOMEN'S SHAWLS AND SCARFS
ECHO ORIGINATIONS (AND DESIGN)	634,072	09/04/56	25	SCARFS, SQUARES, TIES, SHAWLS, STOLES, SHRUGS, CAPES, MANTLES, MANTILLAS, NECKERCHIEF
ECHO	1,184,921	01/05/82	25	SCARFS

ECHO (STYLIZED)	1,285,328	07/10/84	25	SCARFS, MUFFLERS, WRAPS, ASCOTS, CAPES, PONCHOS, SERAPES, RUANAS, JACKETS, VESTS, WESKITS, BOLEROS, BELTS, WAIST WRAPS- NAMELY, SASHES AND OBIS, TIES FOR WOMEN
ECHO	1,382,222	02/11/86	14	COSTUME AND SEMI-PRECIOUS JEWELRY, NAMELY, SCARF RINGS, BRACELETS, PINS, RINGS, NECKLACES, EARRINGS, BROOCHES AND BELT BUCKLES MADE IN WHOLE OR IN PART OF PRECIOUS OR SEMI-PRECIOUS METALS
SIGNATURE ECHO (STYLIZED)	1,422,953	12/30/86	25	SCARFS AND BELTS
ECHO	1,797,082	10/05/93	25	MEN'S NECKWEAR; NAMELY, MEN'S TIES, CRAVATS, WESTERN THONGS
ECHO	1,835,887	05/10/94	24	DRAPERIES, CURTAINS, BED LINENS; NAMELY, SHEETS, PILLOWCASES, BEDSPREADS AND TEXTILE, PIECE GOODS; NAMELY, COTTON, WOOL, SILK, LINEN AND SYNTHETICS FOR USE IN THE MANUFACTURE OF BED LINENS, HOME FURNISHINGS, TABLE LINENS AND CLOTHING
			27	WALLPAPER
ECHO	2,016,227	11/12/96	18	LEATHER GOODS, NAMELY HANDBAGS, PURSES, WALLETs, KEY AND CREDIT CARD CASES
			25	LEATHER BELTS
ECHO	2,051,802	04/15/97	18	HAND BAGS, NAMELY TOTE BAGS, AND SHOULDER BAGS

ECHO	2,080,360	07/15/97	16	PAPER PRODUCTS, NAMELY, PHOTO ALBUMS, DIARIES, ADDRESS BOOKS, WEDDING JOURNALS AND ALBUMS, GUEST BOOKS, MEMORY BOOKS, BRAG BOOKS, STATIONERY PRODUCTS, NAMELY STATIONERY, ENVELOPES, AND PRINTED INVITATIONS AND ANNOUNCEMENTS, NOTEBOOKS, MEMO PADS, SCORE PADS, BRIDGE TALLIES AND PLAYING CARDS, GIFT WRAPPING PAPER, GIFT TAGS AND NOTES, SHOPPING BAGS, KITCHEN-RELATED PAPER PRODUCTS, NAMELY PAPER TOWELS AND NAPKINS, AND KITCHEN-RELATED PRODUCTS, NAMELY, RECIPE CARD BOOKS
			20	PAPER DISHES, NAMELY, PAPER PLATES AND PAPER CUPS
ECHO SOFT	2,255,183	06/22/99	25	CLOTHING, NAMELY, SCARVES, HATS, GLOVES, MUFFLERS, WRAPS AND SHAWLS
ECHO	2,646,159	11/05/02	27	CARPETING AND RUGS
ECHO	3,323,796	10/30/07	03	PERFUMERY, NAMELY, PERFUME, EAU DE TOILETTE, SCENTED SKIN CARE LOTIONS AND CREAMS; SHOWER GEL; AFTER SHAVE BALMS; PERSONAL DEODORANTS AND ANTI-PERSPIRANTS
ECHO	3,418,947	04/29/08	25	RAINWEAR, EXCLUDING RAIN BOOTS AND RAIN SHOES
ECHO	3,344,954	11/27/07	18	LUGGAGE; CARRY-ON BAGS; COSMETIC BAGS SOLD EMPTY; DUFFEL BAGS; GARMENT BAGS FOR TRAVEL; SHAVING BAGS SOLD EMPTY; SHOE BAGS FOR TRAVEL; SUIT BAGS; TRAVEL BAGS; ALL PURPOSE SPORT BAGS; BEACH BAGS
ECHO	3,418,771	04/29/08	18	UMBRELLAS

ECHO	3,506,354	09/23/08	20	FURNITURE
ECHO	3,532,354	11/11/08	25	CLOTHING, NAMELY, LINGERIE, BLOUSES, DRESSES, SWIMWEAR, HATS, GLOVES BLAZERS, AND SHORTS
ECHO TOUCH	77/719,807	04/22/09	25	GLOVES

The above listed registrations are valid and subsisting, and in some cases have become incontestable.

7. As evidenced by these registrations on the Principal Register, Opposer's ECHO marks, as used by Opposer in connection with its goods, are distinctive marks, which serve uniquely to identify Opposer as the source of its goods.

8. Opposer also is the owner of the following pending United States trademark registration applications incorporating the term ECHO:

<u>MARK</u>	<u>APP. NO.</u>	<u>FILING.</u> <u>DATE</u>	<u>CLASS</u>	<u>GOODS</u>
ECHO	77/789,334	07/24/09	21	DINNERWARE, NAMELY, PLATES, CUPS AND SAUCERS, DISHES AND PLATES; DRINKING CUPS AND GLASSES; GLASS BEVERAGEWARE; BOWLS, CARAFES, DISHES, MUGS, AND STORAGE JARS; GOBLETS; GRAVY BOATS; MUGS; SERVERS NOT OF PRECIOUS METAL; SERVING BOWLS AND DISHES NOT OF PRECIOUS METAL; SERVING PLATTERS AND TRAYS NOT OF PRECIOUS METALS; SLOTTED SPOONS; SOUP TUREENS; STEMWARE
ECHODESIGN	77/921,470	01/27/10	21	DINNERWARE AND SERVEWARE,

				NAMELY, PLATES, MUGS, BOWLS, SERVING BOWLS, AND PLATTERS
ECHODESIGN	77/921,495	01/27/10	08	FLATWARE AND CUTLERY, NAMELY, FORKS, KNIVES, AND SPOONS
ECHO	78/235,346	04/08/03	03	PERFUMES, COLOGNES, TOILET WATER, AND FRAGRANCES FOR PERSONAL USE; FRAGRANCE PRODUCTS, NAMELY, POTPOURRI, POMANDERS, SCENTED ROOM SPRAYS, PERFUME OIL AND SCENTED OILS USED TO MAKE AROMAS WHEN HEATED, SACHETS, AND SCENTED BATH BEADS; COSMETICS; PERSONAL DEODORANT, BODY SPRAYS AND BODY LOTION
			05	AIR FRESHENERS
ECHO	78/235,430	04/08/03	35	RETAIL STORE SERVICES FEATURING PERSONAL CARE PRODUCTS, FRAGRANCES, FURNITURE, HOUSEHOLD FURNISHINGS AND LINENS, HOUSEWARES, JEWELRY, LUGGAGE AND LEATHER ACCESSORIES, CLOTHING, PAPER PRODUCTS, DRAPERIES AND WINDOW TREATMENTS, GLASSWARE, DINNERWARE, AND HOME AND GARDEN DECORATIVE ITEMS
ECHO	78/797,719	05/09/07	09	EYEGLASSAS AND SUNGLASSES; OPHTHALMNIC LENSES; EYEGLASS AND SUNGLASS FRAMES; EYEGLASS AND SUNGLASS CASES; EYEWEAR ACCESSORIES, NAMELY, EYEGLASS CORDS, EYEGLASS CHAINS, EYEGLASS CASES, AND EYEGLASS HOLDERS; AND COMPACT DISC CASES, PROTECTIVE CARRYING CASES FOR PORTABLE MUSIC PLAYERS, NAMELY, MP3 PLAYERS, AND CELL PHONE CASES; AND MOUSE PADS

			21	EYEGLOSS CLEANING CLOTHS
ECHO	85/085,257	07/15/10	20	DECORATIVE PILLOWS
			21	SOAP DISHES, TOWEL HOLDERS, BRUSH HOLDERS
ECHO	85/087,631	07/19/10	20	SHOWER CURTAIN HOOKS
			24	BED LINENS, NAMELY, COMFORTERS, PILLOW COVERS AND DUVET COVERS; BLANKET THROWS; BATH LINENS, NAMELY TOWELS, SHOWER CURTAINS AND BATH MATS; TABLE CLOTHS NOT OF PAPER, TABLE LINEN, NAMELY, NAPKINS, PLACE MATS, TABLE MATS NOT OF PAPER, FABRIC TABLE RUNNERS; KITCHEN TOWELS, OVEN MITTS, POT HOLDERS, APRONS; UPHOLSTERY FABRICS; FABRIC WINDOW VALANCES AND WINDOW SCARVES

9. In addition to the rights arising from the registrations and applications listed in Paragraphs 6 and 8, Opposer also uses and has common law rights in the ECHODESIGN trademark based on its use of the mark in commerce in various forms on its entire line of men's and women's apparel, fashion accessories, wall coverings and home fabrics, bed and bath ensembles, small leather goods, handbags, paper goods and other goods since at least as early as 2008, and in conjunction with its use of ECHODESIGN for retail sales of such product through its www.echodesign.com domain name since May, 2006.

10. Since its initial use of the ECHO and ECHODESIGN trademarks (hereafter collectively referred to as the "ECHO marks" or "ECHO trademarks"), Opposer has made a substantial investment in advertising and promoting its goods under its ECHO trademarks. Opposer has extensively used, advertised, promoted and offered for sale to the public,

through various channels of trade and commerce, Opposer's goods in association with the ECHO trademarks, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's ECHO trademarks and associate the same with Opposer and/or the goods sold by Opposer. Opposer has built up extensive goodwill in connection with the sale of goods under its ECHO trademarks. Moreover, as a result of Opposer's extensive use and promotion of the ECHO marks, and its extensive sales of goods under the ECHO marks, the ECHO marks have become famous.

11. Notwithstanding Opposer's prior rights in and to its ECHO trademarks, on or about June 24, 2010, Applicant filed its intent to use Application for registration of the confusingly similar mark ECHOLOO, which incorporates Opposer's ECHO mark as the first and dominant element. That mark was published for opposition in the Official Gazette on January 4, 2011. Opposer sought and secured an extension of time to oppose the Application up to and including May 4, 2011.

12. The Application identifies its goods as "vanity cases sold empty; unfitted vanity cases; wallets; purses; suitcases; luggage; traveling trunks; traveling bags; reusable shopping bags; textile shopping bags; handbags; pocket bags, namely , change purses and charm bags; and haversacks," in International Class 18.

13. In filing its Application, the Applicant knew or should have known of Opposer's prior use of the famous ECHO trademarks on related goods, including leather goods, namely handbags, purses, wallets, key and credit card cases; hand bags, namely tote bags, and shoulder bags; luggage; carry-on bags; cosmetic bags sold empty; duffel bags; garment bags for travel; shaving bags sold empty; shoe bags for travel; suit bags; travel bags; all purpose sport bags; and beach bags, based in part on Opposer's prior trademark registrations.

GROUND I – LIKELIHOOD OF CONFUSION

14. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 13 hereof as if fully set forth herein.

15. Applicant's ECHOLOO mark, when used in connection with the goods identified in the Application, is likely to cause confusion, deception, and mistake with Opposer's ECHO trademarks because Applicant's ECHOLOO mark would be used in connection with products that are the same as or similar to those sold by Opposer under its ECHO trademarks. Opposer's marks and Applicant's mark are virtually identical in sound, meaning, appearance and commercial impression, as the most prominent feature of Applicant's mark is the word "ECHO." In his application, Applicant acknowledges that the wording "ECHO", "LOO", and "ECHOLOO" has no meaning in a foreign language. Moreover, the goods provided by the parties in connection with their respective marks are offered in the same and/or similar channels of trade, and to the same and/or similar customers.

16. Registration by Applicant of the mark ECHOLOO would seriously damage Opposer and should be refused because use and/or registration of the ECHOLOO mark is likely to cause confusion in the minds of the public and deceive purchasers. The public, upon seeing Applicant's mark in connection with Applicant's goods, would believe that such goods originate with, or have some connection with, the Opposer, and Opposer avers that Applicant's use of said mark interferes with Opposer's use of its ECHO marks and will and does impede Opposer in the free use of said marks; and registration of the ECHOLOO mark by Applicant will seriously damage the Opposer under 15 U.S.C. § 1052(d).

17. Registration of ECHOLOO would be *prima facie* evidence of rights of Applicant under 15 U.S.C. § 1057(b), to the detriment of Opposer's rights in ECHO.

18. Pursuant to 15 U.S.C. § 1063(a), as amended, Opposer believes it will be damaged by the registration sought by Applicant because such registration will support and assist

Applicant in the infringing use of its ECHOLOO mark sought to be registered, and will give colorable exclusive statutory rights to Applicant in violation and derogation of prior and superior statutory and common law rights of Opposer.

GROUND II – DILUTION

19. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 18 hereof as if fully set forth herein.

20. Because of the high degree of distinctiveness of Opposer's ECHO marks, the length of time and extent to which Opposer has used its ECHO marks, the extensive advertising and publicity Opposer's ECHO marks have received, the nationwide trading area in which the Opposer's ECHO marks are used, and the high degree of customer recognition of the Opposer's ECHO marks, ECHO is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

21. Registration of Applicant's ECHOLOO mark for the goods identified in its Application would lessen the capacity of Opposer's famous ECHO marks to identify and distinguish Opposer's products sold thereunder and, as such, would cause dilution of the ECHO marks in violation of 15 U.S.C. §§ 1125(c) and 1127.

22. Pursuant to 15 U.S.C. § 1063(a), as amended, Opposer believes it will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the infringing and diluting use of its ECHOLOO mark sought to be registered, and will give colorable exclusive statutory rights to Applicant in violation and derogation of prior and superior statutory and common law rights of Opposer.

23. For the reasons set forth herein, registration by Applicant of the mark ECHOLOO would seriously damage Opposer and should be refused because use and/or registration of Applicant's ECHOLOO mark is likely to cause dilution of Opposer's famous ECHO trademarks and customer confusion as to source, origin, affiliation, or sponsorship between Applicant and Opposer and/or their respective goods.

WHEREFORE, Opposer, The Echo Design Group, Inc., believes and avers that it will be damaged by said registration and prays that registration of the ECHOLOO mark shown in Application Serial No. 85/070,370, filed by Applicant, be refused, and that this Opposition be sustained.

Please recognize as attorney for Opposer in this proceeding Vincent A. Sireci (a member of the Bar of the State of New York).

All correspondence should be addressed to Vincent A. Sireci, Esq., General Counsel, of The Echo Design Group, Inc., 10 East 40th Street, New York, New York 10016-0296.

Filing Fee: The Patent & Trademark Office is authorized to charge \$300.00 and any other fees which may be required in this matter to the credit card account charged in the filing of this Notice of Opposition.

Respectfully submitted,



Vincent A. Sireci
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Dated: May 3, 2011

Attorney for Opposer,
The Echo Design Group, Inc.

PROOF OF SERVICE BY MAIL

I am employed with The Echo Design Group, Inc., whose New Jersey address is 75 Oxford Drive, Moonachie, New Jersey 07074; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with The Echo Design Group, Inc.'s practices for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of The Echo Design Group, Inc.'s business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at The Echo Design Group, Inc. with postage thereon fully prepaid for collection and mailing.

I further declare that on May 3, 2011, I served a copy of:

NOTICE OF OPPOSITION

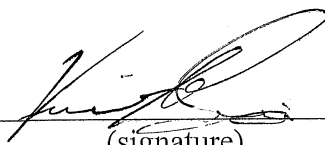
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at The Echo Design Group, Inc., 75 Oxford Drive, Moonachie, New Jersey 07074, in accordance with The Echo Design Group, Inc.'s ordinary business practices:

**MAULIN V. SHAH
1375 BROADWAY FLR. 3
NEW YORK, NY 10018-7030**

I declare under penalty of perjury under the laws of the State of New Jersey that the above is true and correct.

Executed at Moonachie, New Jersey, this 3rd day of May 2011.

Vincent A. Sireci
(typed)


(signature)